



05 MAR 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Richard D. Conard
Barnes & Thornburg
11 South Meridian Street
Indianapolis, IN 46204

In re Application of BATMAN et al	:	
U.S. Application No.: 09/555,718	:	
Int. Application No.: PCT/US98/25850	:	DECISION
Int. Filing Date: 04 December 1998	:	
Priority Date: 04 December 1997	:	
Attorney Docket No.: 5727-65998	:	
For: INSTRUMENT SETUP UTILITY PROGRAM	:	

This is in response to applicant's "Petition Under 37 C.F.R. § 1.182" filed 05 September 2001.

BACKGROUND

On 04 December 1998, applicant filed international application PCT/US98/25850, which claimed priority of an earlier United States application filed 04 December 1997. A Demand for international preliminary examination, in which the United States was elected, was filed on 09 June 1999, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 05 June 2000 (04 June 2000 was a Sunday).

On 02 June 2000, applicant filed national stage papers in the United States. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 June 2000, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 28 November 2000, applicant filed executed declarations signed by eleven of the twelve joint inventors and not signed by inventor Tracy Tetzlaff.

On 14 December 2000, the DO/EO/US mailed a Notification of a Defective Response (Form PCT/DO/EO/916) along with a Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917) indicating that the declarations filed 28 November 2000 were not fully executed.

On 12 January 2001, applicant filed a response to the 14 December 2000 notification including a declaration signed by "Tracy Knudsen". The response states that inventor Tracy Tetzlaff changed her name to Tracy Knudsen as a result of marriage. The response was treated as a request to change the name of one of the inventors.

On 07 August 2001, this Office mailed a decision dismissing the 12 January 2001 request.

On 05 September 2001, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

MPEP 605.04(c) states in relevant part,

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. . . . The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

In the present case, applicant has filed a petition under 37 CFR 1.182 along with the requisite petition fee. The petition includes an affidavit stating that inventor Tracy Tetzlaff changed her name to Tracy Knudsen as a result of marriage. However, the affidavit is not signed with both names as required by MPEP 605.04(c).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182". No additional petition fee is required. Extensions of time are available under 37 CFR 1.136.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

Tracy Knudsen to change her name in this application. This application is the U. S. national phase of a Patent Cooperation Treaty application in which the Petitioner was identified as Tracy L. Tetzlaff. Subsequent to the filing of the international phase of this application, but before a signed declaration was submitted in the U. S. national phase, the Petitioner married and took her husband's surname.

The petition fee of \$130.00 (37 C. F. R. § 1.17(h)) is enclosed herewith. Should any additional fee be required, the Commissioner is hereby authorized to charge Applicants' undersigned counsel's deposit account 10-0435. A duplicate copy of this authorization is enclosed for that purpose.

Since the Petitioner has already submitted a declaration signed by her as Tracy Knudsen, all that remains to complete all of the filing formalities associated with this application is for this petition to be granted. Such action is respectfully requested.

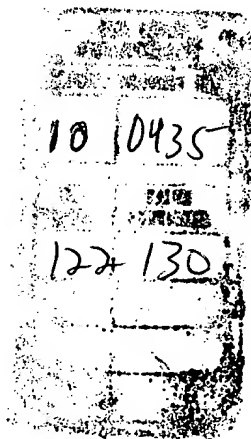
Respectfully submitted,



Richard D. Conard,
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(317) 231-7285

INDS02 RDC 400927



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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>Group:</i>	Unknown	}
		}
<i>Attorney</i>		}
<i>Docket:</i>	5727-65998	}
		}
<i>Applicant:</i>	BATMAN, Carol Jane; BYRD Nancy	}
	Kennedy; DISHOP, Timothy J.	}
	HENDERSON, Les G.;	}
	HOPKINSON, Patricia A.; MOAK,	}
	Stephen E.; PARKER, James R.;	}
	POLASKI, Frank M.; SHEARER,	}
	Atwell R.; TETZLAFF, Tracy L.;	}
	SLY, Lynne Denise; KLEM, Kurt	}
	Gerard	}
		}
<i>Invention:</i>	INSTRUMENT SETUP UTILITY	}
	PROGRAM	}
		}
<i>U.S. Serial No:</i>	09/555,718	}
		}
<i>International. Serial No:</i>	PCT/US98/25850	}
		}
<i>International Filing Date:</i>	04 December 1998 (04.12.98)	}
		}
<i>Earliest Priority Date:</i>	04 December 1997 (04.12.97)	}
		}
		}

LETTER ACCOMPANYING PETITION UNDER 37 C. F. R. § 1.182

Assistant Commissioner for Patents
Washington, D.C. 20231
Attention: Brian Tung
PCT Legal Examiner
PCT Legal Office

Sir:

This letter is submitted in response to the August 7, 2001 dismissal of a request to change the name of one of the applicants, and accompanies a petition by Applicant

Tracy Knudsen to change her name in this application. This application is the U. S. national phase of a Patent Cooperation Treaty application in which the Petitioner was identified as Tracy L. Tetzlaff. Subsequent to the filing of the international phase of this application, but before a signed declaration was submitted in the U. S. national phase, the Petitioner married and took her husband's surname.

The petition fee of \$130.00 (37 C. F. R. § 1.17(h)) is enclosed herewith. Should any additional fee be required, the Commissioner is hereby authorized to charge Applicants' undersigned counsel's deposit account 10-0435. A duplicate copy of this authorization is enclosed for that purpose.

Since the Petitioner has already submitted a declaration signed by her as Tracy Knudsen, all that remains to complete all of the filing formalities associated with this application is for this petition to be granted. Such action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard D. Conard".

Richard D. Conard,
Atty. Reg. No. 27321,
Attorney for Applicants

Indianapolis, Indiana 46204
(317) 231-7285

INDS02 RDC 400927